

COMMISSIONERS APPROVAL

LUND 

THOMPSON 

CHILCOTT 

TAYLOR (Clerk & Recorder)

Date.....January 24, 2006

Members Commissioner Greg Chilcott
Commissioner Alan Thompson and Commissioner Betty Lund

Minutes: Sally Fortino

The Board met with Regina Wilson of the Elections Office to discuss a change of polling place, from Stevensville High School to St. Mary's Family Center.

Regina shared that the current 16th, 17th, and 18th precincts are held at Stevensville High School. Parking is very tight there. Accessibility into the gym is not easy. Handicap access is really not good.

The priest at St. Mary's Center contacted Regina, and offered the Center as a polling place for \$300 per year. It was the polling place for those districts before Stevensville High School. St. Mary's has fewer issues for handicap –accessible entry.

The Election Office would like to switch back to St. Mary's Center.

Commissioner Lund made a motion to change the polling place back to St. Mary's Center. Commissioner Thompson seconded the motion, and all voted 'aye'.

In other business, the Board met with Bryce Christiaen of the Weed Department to update the Commissioners on the status of the Weed Department. Bryce shared that he has added an individual (college student) to the Department, whose duties will be myriad. Bryce is working with Bitterroot National Forest personnel. He has applied for a number of grants. He will attend grant hearings.

Commissioner Thompson shared that he sits on the RAC committee, and asked if Bryce is familiar with it. They have funded several weed control programs. They are a source of grants.

Commissioner Lund asked for an explanation of blue weed, which Bryce provided. He added an explanation of ways in which weeds can be transplanted in a new area. Bryce asked for an explanation of his responsibilities in regards to the Fairgrounds and Airport properties. The Board told Bryce his sole responsibility is weed control.

Commissioner Thompson asked if the new member of the Weed Board has attended the meetings of the Weed Board. Bryce said he has.

In other business, the Board met with Steve Zech, regarding the pro rata issue for the three-lot subdivision on Sutherland Road. Also present: Karen Hughes, Planning Department; David Ohnstad, Roads and Bridges Department; James McCubbin, Deputy County Attorney.

Steve said he asked the Planning Department for the pro rata share contribution for three-lot subdivision. The initial figure was \$3,760. When the subdivision was started, he understood it would be approximately \$1,500 per lot for pro rata shares. Only two lots were under consideration at the time. So he thought the figure was close enough to his estimate. On 01/07/05 he asked the Planning Department for confirmation of the figure, and on 01/11/05 received a corrected figure of \$16,700. Steve asked the Board of County Commissioners to consider and confirm the original figure.

Commissioner Chilcott said Steve wanted a letter to support the figure given to him via a telephone conversation. Steve said he issued another letter to the Planning Department, which generated a letter from Patrick O'Herren, Director of the Planning Department, explaining that an erroneous road count was responsible for the original figure. The adjusted fee from the Planning Department was \$16,700. The County has changed pro rata share calculations; the regulations were changing during this time period.

Commissioner Chilcott, referring to the letter from Patrick, said that it doesn't indicate that Steve is being caught in the middle of a regulation change.

Steve said that's why I'm here. The figure from Planning is different from the figure from the Road Department.

Karen said the pro rata share is calculated at final plat. Regulations have changed slightly. The figure is based on new regulations because this is the final plat.

Steve said when someone is doing a minor subdivision; expenses must be identified before beginning. When the County costs are arbitrary and can change any time, how do I determine the costs involved in the subdivision? When I was given a figure and went to pay it, it changed.

Commissioner Thompson said Patrick sent a letter, advising of the miscalculation. The new letter gave the new figure. The Board of County Commissioners has had significant comment on these changes. Legal counsel says pro rata shares would be based on figures at the time of final plat. It looks like the first corrected figure is \$16,700. The new figure is \$14,300.

Karen said the figure given in the phone conversation does not appear to be correct. The wrong trip count was used. When using the correct information, with what has changed from January 2005 vs. November 2005 is reflecting the new standards.

James said that is reflected in new statements from the Road Department. David said Sutherland Road is not a collector road, which makes a difference. Steve said we estimated figures much lower with the information we had to work with. Commissioner Thompson said the error would have been found; it appeared when you asked for figures in writing. Citizens want the costs of development to be covered by the developer.

Steve said he doesn't think the County is subsidizing developers. Family transfers require no pay toward pro rata shares. He pays for improvements on my road, while family transfers pay nothing. If the road is going to remain gravel without improvements, maybe the rates should change. Sutherland Lane is not on the 7-year schedule for paving. David said Sutherland Lane is a minor local access road; perhaps the residents should form a rural improvement district.

Steve said the road is less expensive to maintain with a grader than to pave.

Commissioner Thompson said the road is very bad. There are many soft spots. Much work is needed. Family transfers went into effect years ago. We have talked to legislators and asked them to take it off the books. There are too many abuses. There are legitimate reasons for family transfers, but they can be abused. It causes more grief when misused.

Commissioner Chilcott said others have a legitimate wish for a Family Transfers and are denied because of other laws.

Commissioner Lund said Steve got caught between what we were doing and what we are doing now. What if we pull out asphalt pavement?

David said he could not recommend altering the schedule. It appears the issue is miscommunication within the Planning Department, which was corrected almost immediately.

Commissioner Lund said Steve came before the Planning Board in 2004. Costs to accomplish were figured at that time, under those rules. She wants the record to show that Steve was caught in the system.

David said the original request for an estimate was submitted on November 11, 2004. This year's final figure of \$14,300 is \$2,000 less.

Commissioner Chilcott said the letter dated January 11, 2005 explains how the calculations were made. Communications were not lagging. They caught the calculation error made in the original telephone conversation.

Steve said there was no explanation of the error; he got a letter only when we asked for it. There should have been an explanation of what happened and why. We had to write for an explanation before we got it.

James said one issue is the correct calculation of pro rata. That figure cannot be compromised. If the Board finds it is not appropriate it could be made retroactive. It may require an amendment of subdivision regulations to do other than the \$14,000 figure. The second issue is a personnel complaint about the actions of a staff member of the Planning Department.

Steve said he based his decision on the first figure. He does not agree with paying \$14,000 for improvements on Sutherland Lane when the money will be spent on other roads, and he is charged for asphalt when the road won't be paved. Commissioner Lund said most of the charges would be done on any road. Steve is being charged for asphalt when the road won't be paved. Steve added the residents have been applying treatment, which has helped. Why not figure in that cost when taking care of a gravel road?

Commissioner Lund said she has advised the Planning Department to tell potential subdividers to visit with the Road Department before finalizing their plans.

Steve said he would like the Board of County Commissioners to direct the Planning Department to stick with the original figure given to him.

Commissioner Chilcott said the error could have been positive to the developer, but would have been found eventually. The calculations remain the same for everyone. The error was discovered; Steve was notified in an expeditious fashion. However, the Planning Department staff member could have been more courteous. He apologized on behalf of the County for any discourtesy.

Commissioner Thompson said their hands are tied on some issues because of court decisions. Here we have a road that needs a lot of work. Perhaps we can allocate funds for improvements on that road specifically. We will have to consult with Planning. David said that would hamstring the entire system of the Road Department. Nothing of substance can be done with that amount of money. In the meantime the County has major collector roads requiring major work.

James said to narrow money to an exact road would be going from one extreme to the other. If there is no motion, the calculation stands. The only thing that can be done is to amend the regulation. That is what regulations call for at this time.

Commissioner Lund said the only thing that bothers her is charging for asphalt on a road that will not be paved in the next seven years. David said the County standard is paved roads.

Karen said it would require going through the variance process to see relief from the current rules.

James said there would have to be a basis other than money for a variance.

Commissioner Chilcott apologized for the way it was initially handled.
Steve apologized for taking the Board's time when his information was insufficient.

James said if the regulations are amended, they might be able to make them retroactive.

In other business, the Commissioners met to hear Improvement Guarantees for the Final Plat on Wildflower Subdivision. Because of a conflict, Commissioner Lund left the room for this discussion. Present were Karen Hughes, Planning Department; James McCubbin, Deputy County Attorney and Nathan Lucke, Landworks.

Karen said condition eight had not been met. She talked with Applicant Chip Pigman and his engineers. They are working on wells, and making adjustments at 500 gallons per minute minimum.

Nathan said most of the improvements are in. They are in the process of finishing the development of the well. They are giving the developer until March 31, 2006 to finish. It is an amount equal to \$500 per lot.

James said everything seems to be in order. By law the developer has to provide bond or other reasonable security.

Commissioner Thompson asked if the Planning Department has a recommendation.
Karen said the staff sees no problems with the subdivision improvements agreement. The Board of County Commissioners must decide if wants to accept some security.
James said cash is reasonable security.

Commissioner Thompson moved to accept the Subdivision Improvement Agreement at final plat application approval. Commissioner Chilcott seconded and all voted 'aye'.

Nathan suggested Exhibit A should be included in the agreement.
The originals were combined and reviewed by James, Karen, and Nathan.

In other business, the Board of County Commissioners met with Fair Manager Gary Wiley and Administrative Director Skip Rosenthal for discussion and possible decision on the awarding of a bid for the water/sewer project on Old Corvallis Road.

Gary said the County needs the water/sewer project, regardless of what goes on with PCI designed structures. Nothing was ever mapped on the Fairgrounds. Gary presented all bidders with an engineering drawing that he modified with known existing and required service lines showing. Bidders were informed that service lines are to be included in bids. Five bids were received.

Gary informed the Board of County Commissioners that the bid from Tim Clark came in without a bid bond or letter of credit. They were provided later, but not with the original bid.

Commissioner Chilcott said everyone has to be treated the same way.

Gary said under the rules, the Clark bid cannot be considered.

Other bids:

John Schlecht Construction: \$96,142.40 (all inclusive)

Michael Grenfell, Grenfell Trucking: \$70,819.00 (all inclusive) work to be done in conjunction with Ideal Construction

Patterson Enterprises: \$104,938.20 (all inclusive)

Advanced Earthworks: \$129,138.50 (all inclusive)

Commissioner Chilcott asked if all specs had been included.

Gary said the bids were to include all fittings and connections.

Gary suggested the bids be awarded contingent on receiving permits for construction from the City of Hamilton.

Commissioner Chilcott said the County could accept any bids at its discretion.

James said the County could award the bid, with the motion being contingent on permits from the City of Hamilton.

Gary said he has to accept the lowest bid in order to get the job done on budget.

James said that is correct, unless there is reason not to accept the lowest bid.

Skip said it has to be the lowest qualified bid.

Commissioner Chilcott asked if Gary has reservations about accepting the lowest bid.

Gary said he had a reservation about making the decision today. There are financial questions, which shouldn't be part of public information.

James said the law for construction for County jobs is the bid must be given to the lowest responsible bidder. The Legislature seems to be withdrawing some leverage there.

Gary asked to delay the final decision for a day or so. He wants to do some research before making a commitment. James said it might be appropriate to delay.

Gary said he did not want to disappoint bidders.

Commissioner Thompson said he has some of the same concerns. He has received phone calls, some allegations about some bidders. It is best to talk to legal counsel. He moved to delay awarding of the bid for the water/sewer projection until Friday, January 27, 2006, and to continue the meeting at 9 am on Friday, January 27, 2006. Commissioner Lund seconded the motion. Commissioner Thompson asked if it would be appropriate to put the inter-local agreement on the schedule for the same meeting. James is unavailable for a Friday meeting.

Commissioner Thompson said awarding the bid is a formality and could come forth Friday without counsel. He suggested leaving the meeting for Friday 9am. All voted 'aye', meeting continued to Friday at 9 a.m.

James suggested scheduling the inter-local agreement meeting for Thursday, 10:00 a.m. The Board of County Commissioners agreed.

Gary said he is in receipt of a letter from the professional consultant, whose fees increased to \$5,300. Gary would like to advise him that he should meet with the Board of County Commissioners to explain and seek approval for the fee increase. Skip suggested a conference call.

Gary said he would contact Tim Clark and inform him that his bid package was incomplete at the time of presentation, disqualifying the bid.

In other business, the Board met with Dan Martin, Florence Fire Chief, regarding utilization of one of the ambulances.

Commissioner Chilcott asked about Florence's future plan for their ambulance service. Dan said they are continuing to utilize services that have advanced life support qualifications.

Commissioner Chilcott asked to speak with Donna Rennaker, in charge of ambulance service at Marcus Daly Hospital. Donna was placed on speaker phone at Marcus Daly Hospital.

Commissioner Chilcott asked Donna if they intend to utilize the County-owned ambulances, or would they be available to QRUs around the valley.

Donna said she assumes they will be using all of them. They are in the process of doing an inventory. She has not yet been told what is going to be done with all of them. Commissioner Lund referred to the vehicles' high mileage, and stated that some communities may want one.

Donna said she would find out the intentions, and relay that information to the Commissioners.

James stated that new lease agreements should be done for any of those that the hospital wants to use. Donna asked which ones would require the new lease agreements. James said they would be required by the 1985, 1986, and 1991 Ford Econoline vans.

Commissioner Chilcott said he hopes it will be recognized that we are trying to provide immediate on-scene assistance. James asked if Donna would have a firm idea by Wednesday, or if they should schedule a meeting for next week or later. Donna said she should have a firm idea by tomorrow. James said the information would be welcome as soon as possible.

Donna said she should know tomorrow, if all the forms fall into place. She wants the takeover finished as soon as possible, within the next week if forms fall into place. The vehicles need to be cleaned up and put into presentable form.

Commissioner Chilcott said he would contact Dan when the Commissioners get the needed information.

In other business, the Board of County Commissioners met for a mid-year policy review with Greg Jackson (MACo).

Commissioner Thompson attended a RAC meeting.